

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COLUMBIA GAS TRANSMISSION)	
CORPORATION,)	
)	
Plaintiff,)	C.A. No. 02-CV-3733
)	
v.)	
)	
AN EASEMENT TO CONSTRUCT,)	
OPERATE AND MAINTAIN A 24-INCH)	
GAS TRANSMISSION PIPELINE ACROSS)	
PROPERTIES IN CHESTER COUNTY,)	
PENNSYLVANIA, OWNED BY JAY PAR)	
AND PAR ANBIL, et al. and UNKNOWN)	
PERSONS AND INTERESTED PARTIES,)	
)	
Defendants.)	
)	

**PLAINTIFF COLUMBIA GAS TRANSMISSION CORPORATION'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

The plaintiff, Columbia Gas Transmission Corporation ("Columbia"), moves pursuant to Rule 56 of the Federal Rules of Civil Procedure for partial summary judgment as to the objections to this condemnation action raised in the Answer of the defendants Harold and Roberta Harper (the "Harpers") and as to the right for Columbia to have access to the properties by May 1, 2003 in order to meet its construction schedule. Columbia states in support as follows:

1. Columbia filed this condemnation action under the Natural Gas Act, 15 U.S.C. §§ 717f(h) and Rule 71A of the Federal Rules of Civil Procedure to condemn easements necessary for the replacement of a segment of an existing gas transmission pipeline with a larger pipeline needed for a project authorized by the Federal Energy Regulatory Commission. Because Columbia could not obtain all of the necessary easements by negotiation, it filed this condemnation action.

2. Columbia initially condemned 47 properties but it has now negotiated settlements with the owners of 42 properties. The remaining defendants are the Harpers, the Archbishop of Philadelphia (two tracts), Francisco and Kathleen Rivas and Robert and Linda Landenberg. Of the remaining defendants, only the Harpers have filed an Answer under Rule 71A(e) raising objections to the condemnation. Because there is no genuine issue of material fact as to Columbia's authority under the Natural Gas Act to condemn these easements, Columbia is entitled to summary judgment as to all objections filed by the Harpers in their Answer. Granting Columbia's motion for summary judgment as to liability will leave only the issue of just compensation to be decided as to all remaining defendants.

3. Columbia also moves for summary judgment as to its right to take possession of the condemned easements by May 1, 2003 in order to meet the construction schedule. Because there is no dispute as to Columbia's authority to condemn these easements, Columbia should be granted the access necessary to replace the pipelines.

WHEREFORE, for the reasons stated above and in the accompanying Materials Submitted in Support and Memorandum of Law, Columbia moves for partial summary judgment.

REED SMITH LLP

Date: _____

Thomas J. McGarrigle
Pa. I.D. No. 27868

2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301
(215) 851-8220

Kevin C. Abbott
Pa. I.D. No. 35734
Nicolle R. Snyder Bagnell
Pa. I.D. No. 87936

435 Sixth Avenue
Pittsburgh, PA 15219
(412) 288-3804

Attorneys for Plaintiff
Columbia Gas Transmission Corporation

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CORPORATION,

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AND PAR ANBIL, et al. and UNKNOWN
PERSONS AND INTERESTED PARTIES,

Defendants.

C.A. No. 02-CV-3733

ORDER

Upon consideration, Plaintiff Columbia Gas Transmission Corporation's Motion for Partial Summary Judgment is hereby granted. The objections made by the defendants, Harold and Roberta Harper, in their Answer are overruled and Columbia is granted the easements condemned in its Complaint. Columbia is granted the right to take possession of the condemned easements as of May 1, 2003 in order to meet its construction schedule. The only issue left for trial is the just compensation due to the remaining defendants.

Dated: _____

U.S. District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the following:

Kevin R. Boyle
Stradley Ronon Stevens & Young, LLP
30 Valley Stream Parkway
Malvern, PA 19355
Counsel for: Archbishop of Philadelphia

Jonathan F. Altman
Tupitza, Altman & Bryman, P.C.
212 West Gay Street
West Chester, PA 19380
Counsel for: Harold M. and Robert E. Harper

Francisco T. Rivas
257 W. Uwchlan Avenue
Suite A
Downingtown, PA 19335
Counsel for: Francisco T. and Kathleen D. Rivas and Robert L.M. and Linda Landenberg

Date: _____